

**\*\*\*ATTACHMENTS\*\*\***

APPLYING FOR A VARIANCE

Variances to zoning ordinances are considered by the CITY OF SHEBOYGAN Zoning Board of Appeals monthly at a public hearing. In order to be considered at the next meeting, applications must be received in the Building Inspection Department Office *no later* than **NOON** on:

Oct 31 2016  
Application deadline date (last working day of the month)

Nov 16/16  
Date: Board of Appeals Meeting

**All applications must include:**

1. Application forms, signed and dated, which are available at the Building Inspection Department Office.
2. A legal description of the property.
3. The non-refundable filing fee - \$250.00.
4. A site sketch, drawn to scale if possible, indicating the location of all existing structures and the proposed construction. Also indicate lot lines, size of lot, streets and other public ways, driveways, off-street parking, loading areas, and existing and proposed front, side and rear yards. Please consult with Building Inspection staff for more information.
5. Photographs of the property.

Note The applicant can present any additional information which is necessary to inform the Board of the facts.

**FAILURE TO SUPPLY ADEQUATE AND / OR ACCURATE INFORMATION AS REQUESTED ABOVE CAN BE GROUNDS FOR DISMISSAL OF THE APPEAL REQUEST.**

Applicants should be prepared to answer the following questions:

- \* *What **hardship** is created by the application of the Zoning Ordinance to this property? Is **reasonable use** of the property denied by the zoning regulations? In other words, is there an alternative plan that would **comply** with the ordinance?*
- \* *Is there a **unique physical characteristic** of the property which prevents development of the property in compliance with the Zoning Ordinance.*
- \* *Would granting the variance harm the **public interest** in any way? For example, would public safety be compromised? (Note: Lack of neighborhood opposition does not necessarily mean that a variance would not harm the public interest.)*

A notice of the date and time of the hearing will be mailed to all property owners within 100 feet of your property. Notice of hearing will also be sent to the City of Sheboygan Planning Department. It is important that you discuss your proposal with the Building Inspection Department and Planning Department.

The property owner or a representative shall be present at the public hearing to present his or her request to the Board and to answer any questions the Board members may have. Should an appearance not be made, or should insufficient information be presented, the appeal will not be considered and may be either placed on the agenda for the next meeting or be denied. The appellant will be required to pay the additional expense that is incurred because of postponement of the hearing. Appellants are reminded that the filing fee for a variance request is non-refundable.

I have read the above and understand my responsibilities regarding my appeal to the Zoning Board of Appeals. I have also read and understand the "Three Tests" for a Variance included with this form.

Signature

Date

10-17-2016

APPEAL FROM RULING OF THE BUILDING INSPECTOR  
AND/OR ZONING ADMINISTRATOR

CASE NO. \_\_\_\_\_  
FILING DATE \_\_\_\_\_  
RECEIPT NO. \_\_\_\_\_  
ZONING DIST. N/R

TO: THE ZONING BOARD OF APPEALS, CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WI

1). Appeal Location (address): 1921 North Avenue Sheboygan WI 53083

2). Applicant: Joel Kirchstein Telephone #: (920) 627-9660  
Address: 1512 South 9th Street Sheboygan WI 53081

*N/A* 3). Legal Property Description (Lot, Block, Subdivision, etc.)  
\_\_\_\_\_  
\_\_\_\_\_

4). Type of Building (Circle): Commercial - Industrial - Institutional - Residential - Apartment - Other (if other)  
please list: \_\_\_\_\_

5). Request for (Circle): New Construction - Repairs - Alterations - Addition - Nonconforming Use - Other  
(if other) please list: \_\_\_\_\_

6). If the request is for a nonconforming use:  
Your intended use: Please see attached document.  
Date last occupied as a nonconforming use: \_\_\_\_\_  
By Whom: Invest Financial Corporation Previous use: Financial advising

7). Applicants interest in property: Joe I Kirchstein

8). Describe the requested variance and grounds for refusal of a permit.  
changing legal nonconforming use

9). What unnecessary hardship or difficulty is caused by following the regulations or requirements of the ordinance?  
See the attached "The Three Tests" For A Variance" and be prepared to argue how you pass the THREE TESTS  
FOR A VARIANCE.:  
See attached Please see attached document.

I HEREBY CERTIFY THAT THE ABOVE APPLICATION AND/OR APPEAL AND ALL ATTACHMENTS THERETO ARE TRUE, CORRECT AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Date: 10-17-2016

Signature: [Signature]  
Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

## THE THREE "TESTS" FOR A VARIANCE

The CITY OF SHEBOYGAN adheres to a set of Zoning Ordinances to make certain that your proposed construction is consistent with neighboring developments, that a development does not infringe on the enjoyment of property belonging to neighboring owners, that it does not detract from surrounding buildings or lots and is not out of character with the neighborhood, and that a project meets necessary public health and safety standards. If your proposed construction cannot meet the requirements of the zoning code or sign code, a **VARIANCE** is needed.

To obtain a variance, you must establish that, due to some peculiarity of the property's size, shape, topography, etc., it would be a hardship or practical difficulty to meet zoning code requirements. ***These circumstances must not be self-imposed or self-created.*** In short, your proposed construction must meet and pass the three "tests" for a variance listed below.

IT IS RECOMMENDED THAT YOU MEET WITH THE STAFF IN THE CITY'S PLANNING DEPARTMENT AND BUILDING INSPECTION DEPARTMENT BEFORE SUBMITTING YOUR APPLICATION FOR A VARIANCE. BUILDING INSPECTION STAFF WILL REVIEW THE STANDARDS FOR A VARIANCE (BELOW) PRIOR TO YOUR FILLING OUT THE APPLICATION AND PAYING THE NON-REFUNDABLE FILING FEE.

### TEST #1: UNNECESSARY HARDSHIP

The Wisconsin Supreme Court has ruled that unnecessary hardship only exists when the zoning ordinance denies ***all reasonable use*** of property. ***If there is an alternative plan that is within the bounds of the zoning ordinance, a variance is not warranted.***

The hardship experienced ***must not be self-imposed***; loss of profit, expense already incurred and additional expense incurred to comply with zoning ordinances ***are not*** unnecessary hardships.

### TEST #2: UNIQUE PROPERTY LIMITATIONS

Unique physical characteristics of your property must prevent you from completing your proposed construction in compliance with the ordinance. The property must qualify for the variance, ***not your particular situation.***

Additionally, existing violations on other properties or improper variances previously granted are not grounds for a variance.

### TEST #3: NO HARM TO PUBLIC INTEREST

The Board members will be taking into account the reason for the existence of the zoning ordinance in applying this test. Lack of opposition ***does not*** necessarily mean that the proposed construction would not harm the public interest.

The Board, in granting a variance, may impose conditions on the proposed construction to assure that the public's interests are protected. Board members may only grant the ***minimum relief*** necessary for the reasonable use of the property.

Your proposed construction must meet all three "tests" to qualify for a variance. Variances are meant to be an ***infrequent*** remedy where an ordinance imposes a unique and substantial burden. ***They are not intended as an accommodation for a property owner's convenience.*** A variance decision may be appealed within 30 days of the filing of the decision in the office of the board.

***Please contact the staff at the City's Planning Department and/or Building Inspection Department if you have any further questions.***

Steve:

In reply to the following:

Sections 15.207(3) and 15.207(4) of the City of Sheboygan Zoning Ordinance:

- ***Extension:*** *A nonconforming use shall not be extended, expanded, enlarged or increased in intensity.*

All business for the foreseeable future will be by advance appointment only. If anything, the amount of business will be less than was previously normal at this location in the recent past.

The reason for this sight, is that it fits a present business need, without any structural extensions or alterations.

- ***Enlargement:*** *No building or other structure that is devoted wholly or in part to a nonconforming use shall be enlarged or added to in any manner unless such a building or other structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.*

There will be no additional structure of any sort that will be added to the already existing building/office space. The building as is will suffice for all present, and predicted future needs.

In the event that the business should unexpectedly grow larger than is presently predicted relocation will be sought immediately.

- An explanation of the previous use and all business activities to take place onsite (business and residential uses).

The location for possible consideration, 1921 North Avenue, Sheboygan, WI 53081, was used as an office space for Invest Financial Corporation. This business ran daily operations Monday through Friday during the time periods of 2011 – 2016. To my knowledge, normal business hours, 8 – 5, were adhered to without problem. There were no formal or informal complaints issued during that time. The business, Compass for Christ Resources, plans on keeping the same

In reply to the following:

Section 12.30(4) of the City of Chicago Zoning Ordinance

• Extension of nonconforming use shall not be extended, amended, renewed or renewed

(b) business for the foreseeable future will be by advance appointment only. If existing the amount of business will be less than was previously normal at this location in the recent past.

The reason for this right is that it fits a present business need, without any structural extensions or alterations.

• **Agreement:** No building or other structure that is elevated a half or more to a nonconforming use shall be enlarged or added to or attached to any structure which is a building or other structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.

There will be no additional structure of any sort that will be added to the already existing building or other space. The building as it will suffice for all present and projected future needs.

In the event that the business should unexpectedly grow larger than is presently projected relocation will be sought immediately.

• An explanation of the previous use and all business activities to take place on site (business and residential uses).

The location for possible consideration, 1821 North Avenue, Chicago, IL 60611, was used as

an office space for Invest Financial Corporation. This business ran daily operations Monday

through Friday during the time periods of 2011 - 2016. To my knowledge, no other business

operations were conducted at this location. There were no formal or informal complaints

received during that time. The business, Compass for First Resource, plans on keeping the same

hours as the previous business, but with the notable exception that all appointments will be scheduled in advance. This will not increase, but instead decrease foot traffic. The office space will be used as a Christian/biblical counseling ministry. This business/ministry is a biblical counseling space for people struggling with the everyday issues of life such as marriage, finance, career, and life changes.

- What are the days and hours of operation?

The days of operation will be Monday through Friday, and all sessions would be scheduled on weekdays. Hours of operation would be 8 – 5.

- How many employees do you have?

The number of employees would be no more than two, but probably only one for the foreseeable future.

- How many customers will you have in a day (minimum and maximum)? How will appointments be set up?

There is a possibility of no clients on some days, and up to ten on a really busy day. However, a normal day would be between 4 and 7 clients. Most all of the appointments would be scheduled 24-48 hours in advance, and the appointments that are not scheduled in advance would be for urgent visits only.

- Where will off-street parking be?

Most of the time we will not need off-street parking. The reality is that most of the time there will only be two to three people in the office at any one time. Since most appointments will be

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• Where will off-street parking be?

Most of the time we will not need off-street parking. The reality is that most of the time there will only be two to three people in the office at any one time. Since most appointments will be

prescheduled parking should not be an issue. However, the driveway located right off the alleyway will be available, and that is what will be used.

- How will you address the neighbor concerns with regards of the perception of a commercial business in a residential neighborhood?

The neighborhood will not be disturbed. The entrance to the business is on the Northside of the building facing North Avenue. The amount of customers will not be increased from the former business held in the same office space. If anything, the amount of in office business will decrease in regards to actual personnel, and client sessions.

- How will you insure that the business will not become a nuisance?

We won't be doing anything that disturbs the neighborhood.

- Any other information that will be useful for the Board of Appeals to understand your proposed business?

The purpose of this business model is to lend aid to people struggling with the everyday issues of life. First and foremost, we are a Christian business that will offer Christian guidance to individuals seeking a God honoring approach to difficult, but largely normal life issues. We will offer godly counsel, and discipleship mentoring. Sessions typically last an hour with a few notable exceptions. Again this establishment will largely serve a religious cliental.

prohibited parking should not be an issue. However, the driveway located right off the

driveway will be available and that is what will be used.

I will address the neighbor concerns with regards to the presence of a commercial business in a residential neighborhood?

The neighborhood will not be disturbed. The entrance to the business is on the outside of the

building facing North Avenue. The amount of customers will not be increased from the former

business held in the same office space. If anything, the amount of in office business will decrease

in regards to actual personal and client assistance.

I will assure you that the business will not become a nuisance?

We are not doing anything that disturbs the neighborhood.

Any other information that will be useful for the Board of Appeals to understand your proposed business?

The purpose of this business model is to lend aid to people struggling with the everyday issues

of life. First and foremost, we are a Christian business that will offer Christian guidance to

individuals seeking a God honoring approach to difficult, but largely normal life issues. We will

offer biblical counsel, and discipleship mentoring. Sessions typically last an hour with a few

minutes exceptions. Again this establishment will largely serve a religious client.



Office entrance off of North Ave.



Front office, and waiting area.



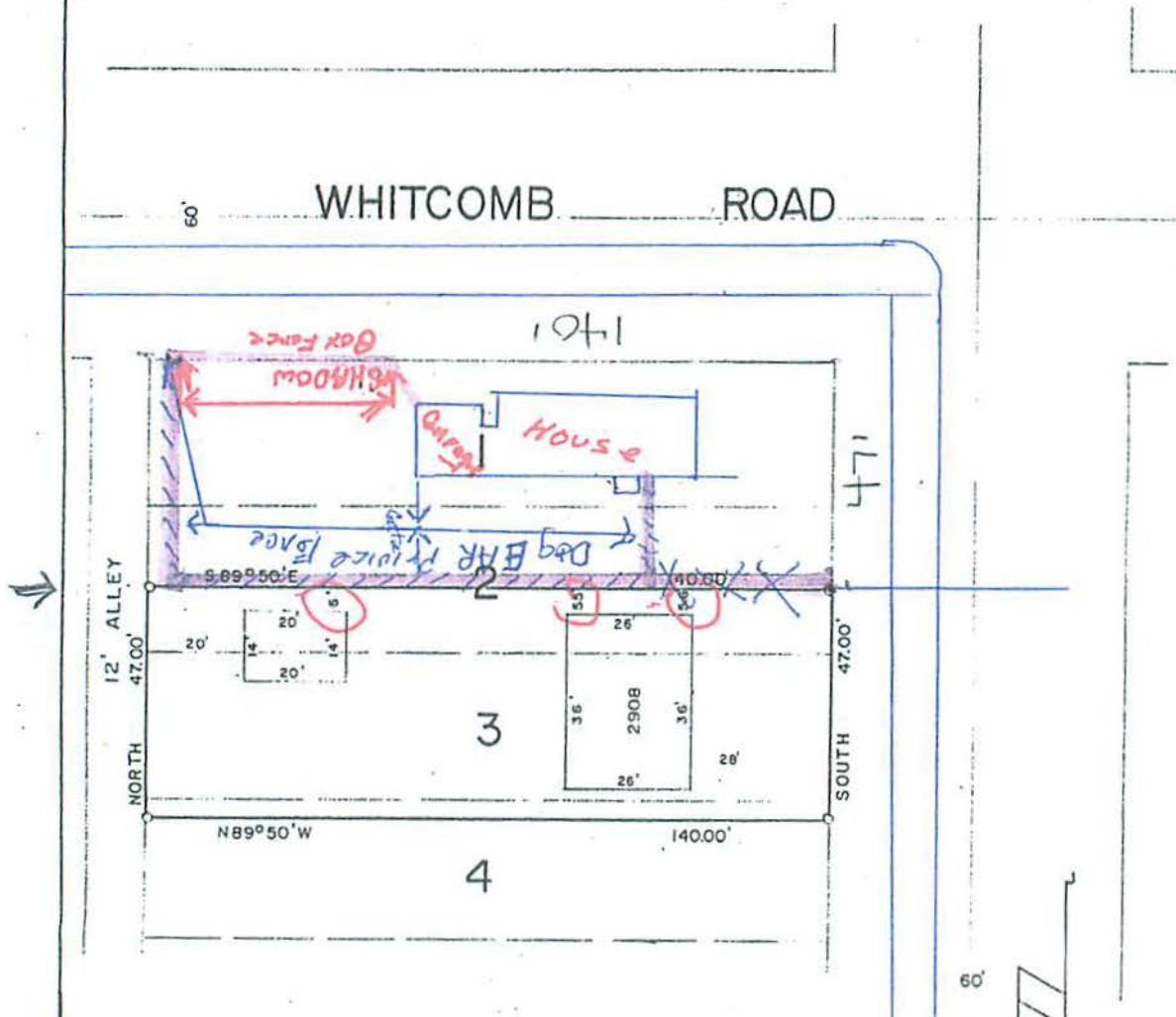
The 800 square foot office space, and the two session rooms.

# D & H LAND SURVEYS

SHEBOYGAN, WISCONSIN  
PLAT OF SURVEY

Garret Brunnbauer

THE SOUTH 13' OF LOT 2, ALL OF LOT 3, AND THE NORTH 4' OF LOT 4,  
BLOCK 21, LAKEVIEW PARK SUBDIVISION, CITY OF SHEBOYGAN, SHEBOYGAN  
COUNTY, WISCONSIN



### SURVEYOR'S CERTIFICATE

I hereby certify that I have surveyed the above described property and that the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location of all visible structures and dimensions of all principal buildings thereon, boundary fences, apparent easements, roadways and visible encroachments, if any.

This survey is made for the use of the present owners of the property, and also those who purchase, mortgage, or guarantee the title thereto within one (1) year from date hereof.

*Garret Brunnbauer*  
WISCONSIN REGISTERED LAND SURVEYOR S-1099

O-PIPE SET  
DATED: 4-15-88  
SHEBOYGAN COUNTY  
REGISTERED  
2011

THIS 3<sup>rd</sup> DAY OF MARCH, 1988 NOTEBOOK/52 PAGE 53 SCALE 1" = 30' L-8019

Δ 11099

NOT TO SCALE

805 Whitcomb Avenue  
SIDE WALK  
Whitcomb Ave

805 Whitcomb Avenue

OUR HOUSE

HOUSE  
2908 5<sup>th</sup> Street

Mud Room

porch

5'6"

5'6"

Lot Line South of HOOD

Garage

HOUSE

Garage

GATE

ENTRANCE 8'

WALK IN GATE

1 gate

4' x 6'

3 GATES

3'6"

30'

SHADOW Box Fence

Dog Ear Privice Fence

130'

5'

GARAGE

2908 5<sup>th</sup> Street

3'6"

47'

5'

3'6"

ALLEY

Lot Line

Driveway

APPLYING FOR A VARIANCE

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Application deadline date (last working day of the month)

Date: Board of Appeals Meeting

All applications must include:

1. Application forms, signed and dated, which are available at the Building Inspection Department Office.
2. A legal description of the property.
3. The non-refundable filing fee - \$250.00.
4. A site sketch, drawn to scale if possible, indicating the location of all existing structures and the proposed construction. Also indicate lot lines, size of lot, streets and other public ways, driveways, off-street parking, loading areas, and existing and proposed front, side and rear yards. Please consult with Building Inspection staff for more information.
5. Photographs of the property.

Note The applicant can present any additional information which is necessary to inform the Board of the facts.

**FAILURE TO SUPPLY ADEQUATE AND / OR ACCURATE INFORMATION AS REQUESTED ABOVE CAN BE GROUNDS FOR DISMISSAL OF THE APPEAL REQUEST.**

Applicants should be prepared to answer the following questions:

- \* *What hardship is created by the application of the Zoning Ordinance to this property? Is reasonable use of the property denied by the zoning regulations? In other words, is there an alternative plan that would comply with the ordinance?*
- \* *Is there a unique physical characteristic of the property which prevents development of the property in compliance with the Zoning Ordinance.*
- \* *Would granting the variance harm the public interest in any way? For example, would public safety be compromised? (Note: Lack of neighborhood opposition does not necessarily mean that a variance would not harm the public interest.)*

A notice of the date and time of the hearing will be mailed to all property owners within 100 feet of your property. Notice of hearing will also be sent to the City of Sheboygan Planning Department. It is important that you discuss your proposal with the Building Inspection Department and Planning Department.

The property owner or a representative shall be present at the public hearing to present his or her request to the Board and to answer any questions the Board members may have. Should an appearance not be made, or should insufficient information be presented, the appeal will not be considered and may be either placed on the agenda for the next meeting or be denied. The appellant will be required to pay the additional expense that is incurred because of postponement of the hearing. Appellants are reminded that the filing fee for a variance request is non-refundable.

I have read the above and understand my responsibilities regarding my appeal to the Zoning Board of Appeals. I have also read and understand the "Three Tests" for a Variance included with this form.

Signature Wanda J. Proulx

Date 10-25-16

APPEAL FROM RULING OF THE BUILDING INSPECTOR  
AND/OR ZONING ADMINISTRATOR

CASE NO. \_\_\_\_\_  
FILING DATE \_\_\_\_\_  
RECEIPT NO. \_\_\_\_\_  
ZONING DIST. \_\_\_\_\_

TO: THE ZONING BOARD OF APPEALS, CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WI

- 1). Appeal Location (address): 805 Whitcomb
- 2). Applicant: Jeffrey and Wanda Mineau Telephone #: (920) 917-7967  
Address: 805 Whitcomb Ave.
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) The South 13' of Lot 2, All of LOT 3, and The North 4' of Lot 4, Block 21, Lakeview Park Subdivision, City of Sheboygan, Sheboygan County, Wisconsin
- 4). Type of Building (Circle): Commercial - Industrial - Institutional - Residential - Apartment - Other (if other)  
please list \_\_\_\_\_
- 5). Request for (Circle): New Construction - Repairs - Alterations - Addition - Nonconforming Use - Other  
(if other) please list: 6' Privacy Fence
- 6). If the request is for a nonconforming use:  
Your intended use: \_\_\_\_\_  
Date last occupied as a nonconforming use: \_\_\_\_\_  
By Whom: \_\_\_\_\_ Previous use: \_\_\_\_\_
- 7). Applicants interest in property: Owners
- 8). Describe the requested variance and grounds for refusal of a permit.  
We are having a fence installed. the position of our House and Lot make the fence cut the yard off making 9' unusable.
- 9). What unnecessary hardship or difficulty is caused by following the regulations or requirements of the ordinance?  
See the attached "The Three Tests" For A Variance" and be prepared to argue how you pass the THREE TESTS FOR A VARIANCE.:  
① The Zoning Ordinance Denies us from using 9' of private  
② our House and Lot are not compatible for our Project with out the variance  
③ The fence will cause no harm, it will keep our dogs in the yard

I HEREBY CERTIFY THAT THE ABOVE APPLICATION AND/OR APPEAL AND ALL ATTACHMENTS THERETO ARE TRUE, CORRECT AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Date: 10-25-16

Signature: Wanda Mineau  
Mailing Address: 805 Whitcomb Ave.  
Sheboygan, WI. 53081

## THE THREE "TESTS" FOR A VARIANCE

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### **TEST #1: UNNECESSARY HARDSHIP**

The Wisconsin Supreme Court has ruled that unnecessary hardship only exists when the zoning ordinance denies *all reasonable use* of property. *If there is an alternative plan that is within the bounds of the zoning ordinance, a variance is not warranted.*

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### **TEST #2: UNIQUE PROPERTY LIMITATIONS**

Unique physical characteristics of your property must prevent you from completing your proposed construction in compliance with the ordinance. The property must qualify for the variance, not your particular situation.

Additionally, existing violations on other properties or improper variances previously granted are not grounds for a variance.

### **TEST #3: NO HARM TO PUBLIC INTEREST**

The Board members will be taking into account the reason for the existence of the zoning ordinance in applying this test. Lack of opposition *does not* necessarily mean that the proposed construction would not harm the public interest.

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